REMARKS/ARGUMENTS

Applicant thanks the Examiner for the allowability of claims 28 and 40.

The Examiner rejects claims 1, 3-9, 11-18, 20-27, 29-32, 34-39, and 41-42 under 35

U.S.C. Section 102(e) as being anticipated by U.S. 2002/0090066 to Gupta et al. and claims 2,

10, 19, and 33 under 35 U.S.C. Section 103(a) as being unpatentable over Gupta et al. in view of

U.S. 5,479,490 to Nakashima.

Applicant respectfully traverses the Examiner's rejections for at least the reasons stated

below.

Rejection of Independent Claims 1, 7, and 17

The cited references fail to teach or suggest at least the following italicized features in

independent claims 1, 7, 17, and 29:

> 1.   An interactive voice response system for a telecommunications
> system, comprising:
>   an adjunct processor that outputs an output data stream to a user; and
>   a speech gateway enabling system comprising:
>   a speech recognition engine operable to identify words in an input voice
> stream received from the user on a first communication path extending between
> the user and the speech gateway enabling system and
>   a speech gateway controller operable (a) *to transfer at least a portion of*
> *the input voice stream, received from the user, from the first communication path*
> *to a second communication path extending between the speech gateway enabling*
> *system to the adjunct processor* and (b) to transfer the at least a portion of the
> input voice stream from the first communication path to the speech recognition
> engine for processing.

> 7.   A method of providing interactive voice response capability in a
> telecommunications system, comprising:

(a)   directing to a speech recognition engine at least a portion of an input voice stream received from a user on a first communication path extending between the user and a first adjunct processor;

(b)   detecting, with the speech recognition engine, at least some of the words in the at least a portion of the input voice stream;

(c)   *transferring the input voice stream from the first communication path to a second communication path extending between the first adjunct processor and a second adjunct processor;*

(d)   comparing at least some of the detected words with a grammar, the grammar correlating a plurality of words with a corresponding plurality of command codes, to identify corresponding command codes for each of the at least some of the detected words; and

(e)   transmitting a command signal corresponding to at least one identified command code to the second adjunct processor on the second communication path.

17.   A system of providing interactive voice response capability in a telecommunications system, comprising:

first and second adjunct processors;

a speech recognition engine that detects at least some words in an input voice stream received from a user on a first communication path extending between the user and the first adjunct processor;

comparing means for comparing at least some of the detected words with a grammar, the grammar correlating a plurality of words with a corresponding plurality of DTMF codes, to identify corresponding DTMF codes for each of the at least some of the detected words;

directing means for directing to the speech recognition engine at least a portion of the input voice stream received from the user on the first communication path;

transferring means for transferring the at least a portion of the input voice stream received from the first communication path to a second communication path extending between the first adjunct processor and the second adjunct processor; and

transmitting means for transmitting a DTMF signal corresponding to at least one identified DTMF code on the second communication path.

29.   A method of providing interactive voice response capability in a telecommunications system, comprising:

(a)   directing to a speech recognition engine at least a portion of an output data stream received from a second adjunct processor on a second

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communication path extending between the second adjunct processor and a first
adjunct processor;

      (b)   detecting, with the speech recognition engine, at least some of the
words in the at least a portion of the output data stream received from the second
adjunct processor;

      (c)   *transferring the at least a portion of an output data stream
received from the second adjunct processor to a first communication path
extending between the user and the first adjunct processor;*

      (d)   comparing at least some of the detected words with at least one
command signal; and

      (e)   *when the output data stream includes a command signal,
terminating the directing step.*

<u>Gupta et al.</u>

The primary reference relied upon by the Examiner, namely Gupta et al., is directed to an

arrangement for allowing "hands free" access to DTMF-controlled systems, such as one's voice

mail messaging systems, utilizes a speech-to-DTMF tone application that monitors the

communication between the user and the DTMF-controlled system. A speech recognition engine

unit is utilized to retrieve certain voice commands when uttered by the user. The application then

translates the received commands into the proper DTMF tone sequence used by the DTMF-

controlled system and transmits the DTMF tones to the system. The application is particularly

useful in the cell phone environment and avoids the necessity of the user to constantly switch

between using the keypad and listening to messages/commands from the system.

Filed concurrently herewith is a Declaration of Mike Krack under 37 CFR § 1.131

establishing that Gupta et al. is not prior art. Specifically, the Krack Declaration provides

Exhibits "A" and "B" each of which is dated before the January 10, 2001, filing date of Gupta et

al. and evidences conception of the subject matter of independent claims 1, 7, 17, and 29 (Krack

Declaration at ¶¶ 3-5) and states that, within two and one-half months of the creation of Exhibit

"B", the inventor had source code written and a prototype (falling within the scopes of

independent claims 1, 7, 17, and 29) up and running and being used and tested internally by the

Milpitas, California, engineering group (*id.* at ¶6). The Krack declaration further describes the

diligence of applicant between the preparation of Exhibit "A" and the filing date of the subject

application (*id.* at ¶7). Accordingly, the Krack Declaration and attached exhibits establish

conception and actual reduction to practice dates before the January 10, 2001 filing date of Gupta

et al. and diligence between the date of Exhibit "B" and the actual reduction-to-practice date and

between the date of Exhibit "A" and the constructive-reduction-to-practice date.

Nakashima

Nakashima is directed to a system that can be subjected to remote control by an input

voice command. The system comprises an automatic answering circuit 5 (Figs. 2, 2A, and 2B)

(which the Examiner analogizes to the "adjunct processor") having voice input 24, voice output

38, voice command request input 45, multi-frequency signal input 35, and start output 44, a

speech network 9 (which the Examiner analogizes to the "speech gateway enabling system"), an

internal line 8, connected to an external office line (not shown), a speech recognition circuit 41

with associated memory 144 (which the Examiner analogizes to the "speech recognition engine"),

a control circuit 43 (which the Examiner analogizes to the "speech gateway controller"), a

confirmation tone transmission circuit 25, and a dialer 33. As set forth at col. 9, line 24, through

col. 10, line 9, a voice command request tone is transmitted from the voice output terminal 38 to

the caller via the office line. After listening to the tone, the caller speaks a voice command signal.

The voice command signal is directed to the speech recognition circuit 41. The corresponding

command is identified by the circuit 41 and forwarded to the control circuit 43. The control

circuit 43, drives the dialer 15 to output a multi-frequency signal corresponding to the command

to the automatic answering circuit 5, which performs the requested command. A confirmation

tone is also outputted by the confirmation tone transmission circuit to the caller indicating

successful voice recognition of the command signal.

Nakashima does not forward the voice command signal to the answering circuit 5.

Switches SW6 and SW7 are not turned "on" at the same time. When the circuit 5 outputs a

signal of H level, switch SW6 is turned off (col. 4, lines 4-8) and switch SW7 is turned on (col. 4,

lines 29-45, and col. 8, line 59-col. 9, line 2). As can be seen from Fig. 1, when switch SW6 is

turned off or is open no voice stream is transmitted to the voice input 24 of the circuit 5. Because

switch SW7 is turned on or is closed, the voice stream is diverted to the speech recognition circuit

41. Conversely, when switch SW6 is turned on, the voice stream is transmitted to the voice input

24. Because switch SW7 is turned off, the voice stream is not diverted to the speech recognition

circuit 41. Accordingly, a portion of the voice stream is not directed to *both* the adjunct

processor and speech recognition engine as required by the rejected claims.

Accordingly, the pending claims are allowable.

The dependent claims provide additional reasons for allowance.

By way of example, claims 6, 9, 15, 18, 23, 25, 32, and 38 are directed to the use of a command signal or switch symbol. The symbol can be used to enable and disable on the one hand the transfer of the user voice stream to the speech recognition engine and second communication path and on the other hand the second adjunct processor output stream to the speech recognition engine and first communication path.

Applicant wishes to clarify the intended meaning of certain claim language in light of the Federal Circuit decision "SuperGuide Corporation v. DirecTV Enterprises, Inc., et al., 358 F.3d 870 (Fed. Cir. 2004). In that decision, the Federal Circuit held, under the unique facts of that case, that the phrase "at least one of a desired program start time, a desired program end time, a desired program service, and a desired program type" means "at least one of a desired program start time, at least one of a desired program end time, at least one of a desired program service, and at least one of a desired program type".

Applicant has used the phrase "at least one of . . . and" in a number of claims and wishes to clarify to the Examiner the proper construction of this phrase. Applicant intended the phrase "at least one . . and" as used in the claims to be an open-ended expression that is both conjunctive and disjunctive in operation. For example, the expression "at least one of A, B and C" means A alone, B alone, C alone, A and B together, A and C together, B and C together, and A, B and C together. Applicant believes that this construction is consistent with the Examiner's construction of the claims in the Office Action. If the Examiner disagrees with this construction, Applicant
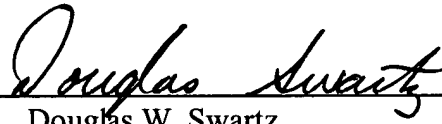
respectfully requests that the Examiner notify Applicant accordingly so that Applicant can further

amend the claims.

Based upon the foregoing, Applicants believe that all pending claims are in condition for

allowance and such disposition is respectfully requested. In the event that a telephone

conversation would further prosecution and/or expedite allowance, the Examiner is invited to

contact the undersigned.

Respectfully submitted,

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By:_____

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